



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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Ref: 8EPR-EP

Mr. Art Compton, Division Administrator
Planning, Prevention and Assistance Division
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901

Re: TMDL Approvals
Sun River TMDL Planning Area

Dear Mr. Compton:

We have completed our review of the total maximum daily loads (TMDLs) as submitted by your office for the Swan Lake TMDL Planning Area (TPA). The TMDLs are included in the document entitled Water Quality Restoration Plan and Total Maximum Daily Loads for the Sun River Planning Area (Montana Department of Environmental Quality) transmitted to us for review and approval in correspondence dated December 23, 2004 and signed by you. In accordance with the Clean Water Act (33 U.S.C. 1251 *et. seq.*), we approve all aspects of the TMDLs as developed for the Swan Lake TPA. Enclosure 1 to this letter provides a summary of the elements of the TMDLs and Enclosure 2 provides details of our review of the TMDLs.

Based on our review, we feel the separate TMDL elements listed in Enclosure 2 adequately address the pollutants of concern, taking into consideration seasonal variation and a margin of safety. In approving these TMDLs, EPA affirms that the TMDLs have been established at a level necessary to attain and maintain the applicable water quality standards and has the necessary components of an approvable TMDL.

EPA has been in contact with the United States Fish and Wildlife Service (FWS) regarding whether and, if so, how EPA's approval of the Sun River TPA TMDLs may affect the continued existence of any endangered or threatened species listed under the Endangered Species Act (ESA) or the designated critical habitat of any such species. EPA has not determined that today's approval may have such an effect. Therefore, consistent with the terms of a consent decree in the lawsuit of Friends of the Wild Swan, et al., v. U.S. Environmental Protection Agency, et al., Civil Action No. CV99-87-M-LBE, United States District Court for the District of Montana, Missoula Division, EPA has decided to approve these TMDLs contingent upon the outcome of consultation with the FWS.



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Thank you for your submittal. If you have any questions concerning this approval, feel free to contact Ron Steg of our Helena staff at (406) 457-5024.

Sincerely,

Max H. Dodson
Assistant Regional Administrator
Ecosystems Protection and Remediation

Enclosures

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